



NR 10 to 19

State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Anthony S. Earl
Secretary

BOX 7921
MADISON, WISCONSIN 53707

IN REPLY REFER TO: _____

STATE OF WISCONSIN)
)
DEPARTMENT OF NATURAL RESOURCES) SS

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Anthony S. Earl, Secretary of the Department of Natural Resources and custodian of the official records of said Department, do hereby certify that the annexed copy of Natural Resources Board Order No. G-41-78 was duly approved and adopted by this Department on November 15, 1978. I further certify that said copy has been compared by me with the original on file in this Department and that the same is a true copy thereof, and of the whole of such original.

RECEIVED
JUL 20 1979
2:00 PM
REVISOR OF STATUTES
BUREAU

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Department at Pyare Square Building in the Village of Shorewood Hills, this 18th day of July, 1979.

Anthony S. Earl
Anthony S. Earl, Secretary

(SEAL)

STATE OF WISCONSIN NATURAL RESOURCES BOARD

.....
IN THE MATTER of repealing sections NR 19.08
& NR 19.11(5)(a); amending sections NR 10.01
(3)(e)1. intro. para. & NR 11.23; repealing
and recreating sections NR 10.01(2)(e)1.,
NR 10.01(3)(e) intro. para., NR 10.01(4)(d)1.,
NR 10.02, NR 10.03, NR 10.04, NR 10.07,
NR 10.09, NR 10.115(1), (2) & (4), NR 10.12(1)(g),
NR 10.15, NR 10.20, NR 16.10(11)(d)3., NR 18.12(8),
NR 18.14, NR 19.03(1), NR 19.06(6), NR 19.09(2)(a)
thru (m) & NR 19.11(2); and creating sections
NR 10.001(10) thru (16), NR 10.101(1)(b)5.,
NR 11.27(16), NR 15.02(74) & NR 16.02 title of the
Wisconsin Administrative Code pertaining to hunting
and trapping regulations
.....

G-41-78

ORDER OF THE STATE OF WISCONSIN NATURAL RESOURCES BOARD

REPEALING, AMENDING, REPEALING & RECREATING, AND CREATING RULES

Pursuant to the authority vested in the State of Wisconsin Natural Resources Board by sections 23.09, 23.11, 29.085, 29.105, 29.17, 29.174, 29.41, 29.544, 29.574, 29.585, 29.596, 227.02 and 227.014, Wisconsin Statutes, the State of Wisconsin Natural Resources Board hereby repeals, amends, repeals and recreates, and creates rules as follows:

SECTION 1. NR 10.001(10) through (16) inclusive are created to read:

(10) "Molest" means any activity which results in physical damage or destruction of an object.

(11) "Firearm season" means an open season for hunting with any of the following firearms loaded with a single slug or ball: rifle, muzzle-loader or shotgun.

(12) "Shotgun season" means an open season for hunting with either of the following firearms loaded with a single slug or ball: muzzle-loader or shotgun.

(13) For the purpose of hunting deer and bear, "muzzle-loader" means any smoothbore muzzle-loading firearm of not less than .45 caliber and any rifled muzzle-loading firearm of not less than .40 caliber, discharged from the shoulder.

(14) For the purpose of hunting wild animals other than deer and bear, "muzzle-loader" means any caliber of any muzzle-loading firearm discharged from the shoulder.

(15) "Daily bag" or "bag limit" means the maximum number of game species which may be reduced to the possession of a person in one day.

(16) "Possession limit" means the maximum number of game species which may be reduced to the possession of a person in 2 days or more.

SECTION 2. NR 10.01(2)(e)1. is repealed and recreated to read:

Kind of animal and locality	Open season (both dates inclusive)	Limit
(e) Bobwhite quail		
1. All that part of Wisconsin lying southerly and westerly of a line beginning at the junction of state highway 54 and the west boundary of Trempealeau county, then easterly on highway 54 to its intersection with state highway 108, then south-westerly on highway 108 to its intersection with state highway 71, then southerly on highway 71 to its intersection with interstate highway I-90, then easterly on highway I-90 to its intersection with state highway 82, then easterly on highway 82 and continuing easterly on state highway 23 to its intersection with state highway 73, then	a. Beginning on Saturday nearest October 27 at 12:00 noon and continuing for 44 consecutive days.	b. Daily 2; possession 4

Kind of animal and locality	Open season (both dates inclusive)	Limit
-----------------------------	------------------------------------	-------

southerly on highway 73 to its intersection with state highway 60, then westerly on highway 60 to its intersection with state highway 78, then southerly on highway 78 to its intersection with state highway 18, then westerly on highway 18 to its intersection with state highway 80, then southerly on highway 80 to the state line.

SECTION 3. NR 10.01(3)(e) introductory paragraph is repealed and recreated to read:

(e) Deer (Gun Season)

SECTION 4. NR 10.01(3)(e)1. introductory paragraph is amended to read:

1. ZONE "A"

In all portions of the state not otherwise listed in season zones "B" through "H".

SECTION 5. NR 10.01(4)(d)1. is repealed and recreated to read:

1. Season and locality. There is no open season for otter in those counties or portions of counties closed to beaver trapping as established in par. (c) of this section, and in that part of Buffalo, La Crosse, Trempealeau, Vernon, Crawford and Grant counties described in NR 10.01(4)(a)3. In the rest of the state, the opening date for trapping season for otter shall be concurrent with the opening date for trapping beaver in all zones established under par. (c) of this section. The open season for trapping otter in all zones shall extend through the last day of the beaver season specified for zone "B".

SECTION 6. NR 10.02 is repealed and recreated to read:

NR 10.02 Protected wild animals. (1) Canada lynx, timber wolf, badger, moose, elk, marten, fisher, wolverine and flying squirrel.

(2) Endangered or threatened species listed in chapter NR 27, Wis. Adm. Code.

(3) White deer (monocolored).

(4) Woodchuck except as provided in s. 29.24, Stats.

(5) Prairie chicken, Canada spruce grouse (spruce hen), mourning doves, swans, cranes, bitterns, plovers, kingfishers, cormorants, herons, sandpipers and grebes.

(6) Eagles, hawks, falcons, and owls except as provided in chapter NR 18, Wis. Adm. Code.

(7) Hen pheasants except as expressly provided in this chapter.

(8) Any other wild bird not specified in this chapter.

SECTION 7. NR 10.03 is repealed and recreated to read:

NR 10.03 Birds causing depredation. (1) Application. The following named birds have been determined by the department to be birds committing depredation or about to commit depredation at all times to and upon ornamental or shade trees, agricultural crops, livestock or wildlife, and when concentrated in large numbers that they may constitute a health hazard or other nuisance:

(a) Red-winged blackbirds.

(b) Grackles.

(c) Crows.

(d) Cowbirds.

(2) Permits. Such birds may be taken at all times without need for either a federal or state permit.

(3) Inspection of premises. Any person taking such birds shall at all reasonable times, including during actual operation, permit any federal or state game law enforcement officer, free and unrestricted access on the premises over which such operations have been or are being conducted, and shall furnish promptly to such officer whatever information may be required about said operation.

(4) Disposition. Birds killed pursuant to this subsection and their plumage shall not be sold or offered for sale.

SECTION 8. NR 10.04 is repealed and recreated to read:

NR 10.04 Unprotected wild animals. (1) Coyotes, opossum, skunk and weasel.

(2) Starlings, English sparrows, coturnix quail and chukar partridge.

(3) Any other wild animal not specified in this chapter.

SECTION 9. NR 10.07 is repealed and recreated to read:

NR 10.07 General hunting. (1) Prohibited methods. No person shall:

(a) Aircraft. Hunt with the aid of an airplane, including the use of an airplane to spot, rally or drive wild animals for hunters on the ground.

(b) Devices. 1. Place, operate or attend, spread, or set any net, pitfall, snare, spring gun, pivot gun, swivel gun, or other similar contrivance for the purpose of catching or which might catch, take or ensnare wild animals.

2. Use or possess any snare, trap or device designed or used for the purpose of driving rabbits out of their holes or dens.

(c) Shining. Have in possession or under control any firearm, bow and arrow or crossbow in or on any vehicle or automobile while using an artificial light to shine any area inhabited by wild animals.

(d) Molesting. Molest the nest or den of any squirrel.

(e) Ferret. Use or possess any ferret while hunting.

(f) Retrieval. Fail to make every reasonable effort to retrieve all wild animals killed or crippled; and until such effort is made, such wild animals shall be included in the daily bag.

(g) Baiting. 1. Place, use or hunt over bait contained within paper, plastic, glass, metal, wood or other nondegradable materials. This paragraph applies to hunting any wild animal.

2. Place bait or hunt any species of wildlife over any bait other than apples, pastry or liquid scent in that portion of the state north of highway 29 beginning on the Saturday 3 weeks prior to the opening of the bear season established by NR 10.01(3)(g)2. and continuing through the end of such season. The hunting of bear with the use of bait or liquid scent shall be regulated by NR 10.101(1)(b).

(h) Salt. Hunt by the use or aid of salt.

SECTION 10. NR 10.09 is repealed and recreated to read:

NR 10.09 Guns and ammunition. (1) Prohibited methods. No person shall:

(a) Shotshells. 1. Slugs or balls. Possess or have in control, while hunting, any shotshells loaded with single slug or ball except during the open gun season for deer or bear.

2. Size. Possess or have in control, while hunting, shells containing shot larger than no. BB during the period beginning June 1 through December 31.

3. Game bird hunting. Hunt any game bird with a rifle or shotgun loaded with single ball or slug or shot larger than no. BB.

(b) Incendiary shells. Possess or have in control, while hunting, any shell, cartridge or ammunition known as tracer shells, or incendiary shells or cartridges. Distress flares are exempted from this section.

(c) Guns. 1. Type. Hunt with any means other than the use of a gun discharged from the shoulder or a bow and arrow or by falconry.

2. Deer or bear hunting. Hunt any deer or bear with any .22 rim-fire rifle, 5 mm rim-fire rifle, .17 caliber center-fire rifle or .410 bore shotgun.

3. Exceptions. a. Handguns and pellet guns. .22 rim-fire handguns and pellet guns of .177 caliber or larger may be used in the same manner and for the same purposes and subject to the same restrictions as .22 rim-fire rifles.

b. Muzzle-loaders. Muzzle-loaders may be used for hunting as defined in NR 10.001(13) and (14).

c. Disabled person. Crossbows may be used by disabled individuals qualified under permit issued pursuant to s. 29.104(4), Stats.

4. Possession. Possess any rifle larger than .22 rim-fire in areas wherein there is an open season for hunting deer with shotgun only unless such rifle is unloaded and enclosed within a carrying case.

(5) Special one-day restriction. During the 24-hour period prior to the opening date for hunting deer with guns, no person shall possess a gun wherein there is an open season for deer with guns unless the gun is unloaded and enclosed within a carrying case. Exceptions:

- (a) Target shooting at established ranges.
- (b) Hunting on licensed game farms and shooting preserves.
- (c) Hunting migratory game birds during the open season.

SECTION 11. NR 10.101(1)(b)5. is created to read:

- 5. Hunt bear in any dump or sanitary landfill.

SECTION 12. NR 10.115(1), (2) and (4) inclusive are repealed and recreated to read:

NR 10.115 Deer hunting party permit. (1) Application. The natural resources board finds that when the population of deer is such that an additional harvest is reasonably necessary to manage the deer herd properly in the state in balance with the available range and natural supply, there shall be open seasons for deer hunting by deer hunting parties of not less than 4 persons, as established by section NR 10.01(3)(e)1. Wis. Adm. Code, and designated as quota areas.

(2) Permit, tag and arm band. It shall be unlawful for any member of the deer hunting party to hunt deer under the authority of such permit unless such member is in possession of the deer tag and permit and is wearing the arm band on the sleeve of the outermost garment.

(4) Permit issuance. Permits may be issued only to persons duly applying on application blanks furnished by the department, who are in possession of a valid Wisconsin deer hunting license. Application stubs from the license of each member of the deer hunting party must accompany the application.

SECTION 13. NR 10.12(1)(g) is repealed and recreated to read:

(g) Decoy use. By the use or aid of decoys which are placed beyond 200 feet from the blind or cover in which the hunter is located.

In addition, it is unlawful to:

- a. Place decoys in the water prior to one hour before opening hunting time.
- b. Leave decoys in the water unattended.
- c. Leave decoys in the water more than 20 minutes after the close of hunting time.

SECTION 14. NR 10.15 is repealed and recreated to read:

NR 10.15 Horicon national wildlife refuge. (1) Prohibited methods.

(a) Except as provided in this section, it shall be unlawful for any person to hunt or trap any wild animal or have in possession or under control any firearm unless the same is unloaded and enclosed within a carrying case or any bow and arrow unless the same is unstrung or enclosed in a carrying case, upon the area known as the Horicon national wildlife refuge.

(b) Nothing in this section shall prohibit, prevent, or interfere with the U.S. fish and wildlife service, its deputies, agents, or employes in the destruction of unprotected wild animals as listed in section NR 10.04, Wis. Adm. Code.

(2) Shotgun season. A shotgun season shall be established for hunting deer except for posted closed areas, pursuant to section NR 10.01(3), Wis. Adm. Code.

(3) Bow and arrow season. An open season for hunting deer with bow and arrow in areas designated by posted notice shall be established pursuant to section NR 10.01(3), Wis. Adm. Code.

(4) Small game season. (a) The open season for hunting upland game birds and rabbits shall begin as established by section NR 10.01(2) and (3), Wis. Adm. Code, and continue through the end of the pheasant season each year pursuant to section NR 10.01(2)(c), Wis. Adm. Code, and shall be subject to all other rules covering hunting set forth in this chapter.

(b) With the written approval of the department, such season may be closed at any time upon request by the U.S. fish and wildlife service.

(5) Trapping. (a) With the written approval of the department, an open season may be declared for trapping muskrat, mink and raccoon.

(b) If permits are required, they shall be issued by the U.S. fish and wildlife service.

(c) The legal number of traps allowed for each trapper shall be prescribed by the U.S. fish and wildlife service.

(d) All other rules covering trapping are set forth in this chapter.

SECTION 15. NR 10.20 is repealed and recreated to read:

NR 10.20 Recording of deer and bear. (1) Gun seasons. (a) Exhibition and registration. Each person who has killed a deer or bear during the open seasons for hunting such animals with guns shall exhibit such deer with the deer tag attached as required by s. 29.40(1), Stats., or such bear to an authorized registration station as follows:

1. Regular license deer shall be registered within the open season zone in which such deer was killed not later than 5:00 p.m. of the first day following the close of such season.

2. Party permit deer shall be registered within the quota area in which such deer was killed not later than 5:00 p.m. of the first day following the close of such season. Exception: Deer taken under a deer

party permit may be transported on federal or state highways directly to the nearest authorized registration station in an adjoining quota area.

3. Any deer taken on any of the islands in the outlying waters of Lake Superior in Ashland and Bayfield counties shall be exhibited and tagged pursuant to sub. (1) at the registration station in the city of Bayfield.

4. Bear shall be registered within the season zone in which such bear was killed not later than 5:00 p.m. of the day after it was killed.

5. Such deer or bear shall be wholly intact except that they may be field dressed.

(b) Tagging. 1. Upon approval, the station operator shall attach a registration tag and such tag shall remain attached to the animal or part thereof until such carcass or part thereof is finally consumed.

2. Such animal or part thereof shall not be removed from the area specified in par. (a) unless it has been exhibited, registered and tagged.

(2) Bow and arrow seasons. Each person who has killed a deer or bear during the open season for hunting such animals with bow and arrow only shall exhibit and register such bear and deer as provided in sub. (1), except that the carcass shall be exhibited within the county or adjoining county where killed by 5:00 p.m. of the day after the animal was killed.

SECTION 16. NR 11.23 is repealed and recreated to read:

NR 11.23 Closed area; deer. A closed season is established in the areas described in this section, and it is unlawful for any person to hunt any species of wild animals thereon during the periods established in section NR 10.01(3)(e), Wis. Adm. Code, as open gun season on deer

except waterfowl during periods established in section NR 10.01(1), Wis. Adm. Code. In addition, a closed season is established in the areas described in this section for bow and arrow hunting of deer beginning on the Saturday immediately following the close of the deer gun season through December 31.

(1) Juneau county. (a) Buckhorn wildlife area. 1. Township 17 north, range 4 east, town of Germantown.

- a. Section 14 - SW $\frac{1}{4}$ except Castle Rock flowage.
- b. Section 22 - SE $\frac{1}{4}$ except Castle Rock flowage.
- c. Section 23 - Entire section except Castle Rock flowage.
- d. Section 26 - Entire section except Castle Rock flowage.
- e. Section 27 - Entire section except Castle Rock flowage.

SECTION 17. NR 11.27(16) is created to read:

(16) Shawano county. (a) Navarino wildlife area. 1. Township 25 north, range 16 east, town of Navarino. Commencing at the southwest corner of section 10, then north 2,112 feet along McDonald road to junction of the east access road, then easterly along said road to junction with the Minneapolis-St. Paul and Sault St. Marie railroad R.O.W., then southeasterly along said R.O.W. 5,550 feet to the junction with the west access road; then westerly along said road 2,910 feet; then south 2,790 feet to the south line of section 14; then westerly 5,280 feet along the south line of section 14 and 15; then north 2,680 feet; then west 1,320 feet to the junction with McDonald road; then north along McDonald road 2,640 feet to the point of beginning.

SECTION 18. NR 15.02(74) is amended to read:

(74) Kenosha county. (a) Bong. 1. Township 2 north, range 20 east, town of Brighton.

a. Section 17 - Beginning at the intersection of state highway 142 and the west line of section 17, then southerly to the center of the median strip between the runway and taxiway of the abandoned Bong air base, then southeasterly along said median strip to a road connecting the taxiway and runway, then continuing southeasterly to another road connecting the taxiway and runway, then northeasterly along said connecting road to the intersection of the connecting road and the taxiway, then northwesterly along said taxiway to a road connecting the taxiway with state highway 142, then northerly along said road to the intersection of the road and an abandoned railway spur, then northeasterly parallel with the abandoned railway spur to state highway 142, then westerly along state highway 142 to the point of beginning.

SECTION 19. NR 16.02 title is created to read:

NR 16.02 Game farms.

SECTION 20. NR 16.10(11)(d)3. is repealed and recreated to read:

3. Space. a. Timber wolf: 300 sq. ft.
- b. Coyote: 144 sq. ft.
- c. Provided by rectangular or circular fence structure.

SECTION 21. NR 18.12(8) is repealed and recreated to read:

(8) Escape or death of raptors. Permittee must report the loss of any raptor within 3 days to the nearest department facility. All carcasses are to be disposed of as directed by the U.S. fish and wildlife service.

SECTION 22. NR 18.14 is repealed and recreated to read:

NR 18.14 Transportation. 1. Temporary holding. A raptor may be transported or held in temporary facilities for a period not to exceed 30 days. Such facility shall provide an adequate perch and protection from extreme temperatures and excessive disturbance.

2. Out-of-state use. A resident permittee may remove raptors licensed by this chapter from Wisconsin for meets, trials, hunting and other falconry activities provided the permittee obtains such permit or license as may be required by another state.

SECTION 23. NR 19.03(1) is repealed and recreated to read:

NR 19.03 Control of muskrats on cranberry marshes. (1) The owner or lessee of any improved cranberry marsh area shall comply with s. 29.596, Stats.

SECTION 24. NR 19.06(6) is amended to read:

(6) Reports. (a) All licensed wild rice dealers shall file reports on forms furnished by the department covering the license period with the Department of Natural Resources, Box 7924, Madison, Wisconsin 53707, prior to obtaining a wild rice dealer's license.

(b) Such reports shall summarize the book records required and shall include the total number of transactions and the total amount of wild rice bought, sold or processed during the period covered by such license.

SECTION 25. NR 19.08 is repealed.

SECTION 26 - NR 19.09(2)(a) through (m) inclusive are repealed and recreated to read:

(2m) There is no closed season for the harvesting of wild rice in any other area of the state of Wisconsin not herein described:

(a) Ashland county. All waters north of highway 2 including outlying waters.

(b) Bayfield county. Totogatic lake.

(c) Burnett county. Bashaw lake, Big Clam lake, Briggs lake, Gaslyn lake, Long lake, Loon lake, Mud Hen lake and Rice lake.

(d) Douglas county. In Allouez Bay in the city of Superior.

(e) Forest county. Riley lake, Big Rice lake and Wabigon lake.

(f) Marinette county. Noquebay lake.

(g) Oneida county. Cary lake and Spur lake.

(h) Polk county. Balsam Branch, Glenton lake, Little Butternut lake and Rice lake.

(i) Sawyer county. Musky Bay located in sections 10 and 11, T39N, R9W, on Big Lac Court Oreilles lake.

(j) Vilas county. Allequash lake, Little Rice lake, Nixon lake, Irving lake, Aurora lake, West Plum lake, Devine lake, West Ellerson lake, Micheys Mud lake, Frost lake, Rice lake, Sand lake and Sugar Bush Chain.

(k) Washburn county. Gilmore lake, Mud lake, Rice lake, Spring lake and Tranus lake.

SECTION 27. NR 19.11(2) is repealed and recreated to read:

(2) Record keeping and annual reports. (a) Records of all transactions under the permit shall be kept current and be made available by the permittee for inspection at all reasonable hours on request of any authorized person.

(b) A report of operations based on this record shall be filed annually with the department on or before January 10.

(c) Failure to report may result in penalty including non-renewal of the permit.

(d) Annual reports shall be made on forms provided by the department and shall show:

1. Number of each species, nests and eggs collected.
2. Disposition of each.
3. Method used for collection.
4. Any other information requested by the department.

SECTION 28. NR 19.11(5)(a) is repealed.

The foregoing rules were approved and adopted by the State of Wisconsin Natural Resources Board on November 15, 1978.

The rules contained herein will take effect upon publication.

Dated at Madison, Wisconsin 29 June 1979

STATE OF WISCONSIN DEPARTMENT OF NATURAL RESOURCES

(SEAL) By Anthony S. Earl
Anthony S. Earl, Secretary

APPROVED:

Lee Sherman Dreyfus
Governor Lee Sherman Dreyfus

JUL 18 1979
Date



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Anthony S. Earl
Secretary

July 20, 1979

BOX 7921
MADISON, WISCONSIN 53707

IN REPLY REFER TO: 1020

Mr. Orlan L. Prestegard
Revisor of Statutes
411 West
C A P I T O L

Dear Mr. Prestegard:

Enclosed are two copies, including one certified copy, of State of Wisconsin Natural Resources Board Order No. G-41-78. These rules were submitted to the Assembly Tourism, Recreation and Economic Development Committee and the Senate Natural Resources Committee pursuant to sec. 227.018, Stats. There were no objections.

You will note that this order takes effect upon publication. Kindly publish it in the Administrative Code accordingly.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Anthony S. Earl', written over a horizontal line.

Anthony S. Earl
Secretary

Enc.